

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TRISTAR INVESTORS, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
AMERICAN TOWER CORPORATION, et al.,	§	
	§	
	§	
Defendants.	§	
<hr style="border: 0.5px solid black;"/>	§	CIVIL ACTION NO. 3:12-CV-499-M
	§	
AMERICAN TOWER, LLC, et al.,	§	
	§	
Counter-Plaintiffs,	§	
	§	
v.	§	
	§	
TRISTAR INVESTORS, INC., et al.,	§	
	§	
Counter-Defendants.	§	
<hr style="border: 0.5px solid black;"/>	§	

TRISTAR’S COUNTER-DESIGNATIONS OF DEPOSITION EXCERPTS

TriStar Investors, Inc., David Ivy, Ed Wallander, Robert Giles, Dale Gilardi, Jerry Vogl, John Lemmon, Michael Mackey, and Matt Newton (collectively, “TriStar”) hereby serve their counter-designations and optional completeness designations of deposition excerpts in response to the American Tower Entities’ Designation of Deposition Excerpts as follows:

1. Excerpts from April 3, 2013 Deposition of John Armour

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
38:15 – 38:24	38:15 – 38:24
73:07 – 73:15	73:07 – 73:15
100:13 – 100:24	100:13 – 100:24
186:01 – 186:12	186:01 – 186:12
195:15 – 195:18	195:15 – 195:18
196:05 – 197:11	196:05 – 197:11
197:25 – 198:01	197:25 – 198:01
202:03 – 202:11	202:03 – 202:11
218:10 – 218:17	218:10 – 218:17
219:06 – 219:20	219:06 – 219:20
235:24 – 236:03	235:24 – 236:03
236:12 – 236:22	236:12 – 236:22
260:10 – 261:10	260:10 – 261:10
262:06 – 262:11	262:06 – 262:11
265:18 – 266:06	265:18 – 266:06
266:11 – 266:14	266:11 – 266:14
269:12 – 269:15	269:12 – 269:15
272:23 – 273:07	272:23 – 273:07
273:15 – 273:22	273:15 – 273:22
280:03 – 280:11	280:03 – 280:11
294:07 – 294:09	294:07 – 294:09
298:09 – 298:12	298:09 – 298:12

2. Excerpts from June 14, 2013 Deposition of Chris Bluemle

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
8:12 – 8:21	8:12 – 8:21
37:16 – 37:20	37:16 – 37:20
53:17 – 53:19	53:17 – 53:19
53:23 – 54:1	53:23 – 54:1

3. Excerpts from February 20-21, 2013 Deposition of Mark Cogley

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
28:10 – 28:18	74:21 – 74:25
31:02 – 31:07	78:22 – 78:25
33:17 – 34:06	79:06 – 79:10
57:22 – 58:09	79:14 – 79:22
59:22 – 60:15	79:24 – 79:25
74:21 – 74:25	80:05 – 80:09
78:22 – 78:25	99:12 – 99:14
79:06 – 79:10	116:14 – 116:23
79:14 – 79:22	117:17 – 118:14
79:24 – 79:25	
80:05 – 80:09	
92:02 – 92:04	
98:17 – 98:19	
99:12 – 99:14	
116:14 – 116:23	
117:17 – 118:14	
152:15 – 152:20	

4. Excerpts from February 20, 2013 Deposition of Connie Cowan

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
57:16 – 58:18	
58:23 – 59:04	
60:18 – 60:21	
61:12 – 62:14	
63:18 – 63:24	

5. Excerpts from February 21, 2013 Deposition of Spencer Davis

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
9:22 – 10:10	43:05 – 43:10
10:22 – 11:04	74:01 – 74:06
16:16 – 16:19	
17:01 – 17:04	

20:13 – 20:20	
43:05 – 43:10	
53:15 – 53:25	
74:01 – 74:06	
95:20 – 96:04	
98:15 – 98:24	

6. Excerpts from June 11, 2013 Deposition of Ronald Dykes

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
101:02 – 101:06	101:02 – 101:06

7. Excerpts from June 27, 2013 Deposition of James Fleming

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
9:19 – 10:17	
12:23 – 13:10	
17:11 – 17:18	
18:1 – 18:20	
18:22 – 18:25	
24:2 – 25:5	
25:8 – 25:9	
25:11 – 26:3	
66:6 – 66:9	
66:11 – 66:16	

8. Excerpts from May 17, 2013 Deposition of Dale Gilardi

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
41:21 – 42:01	41:21 – 42:01
42:23 – 43:01	42:23 – 43:01
62:12 – 62:17	62:12 – 62:17
65:01 – 65:08	65:01 – 65:08
84:04 – 84:10	84:04 – 84:10
103:05 – 103:05	103:05 – 103:05
103:17 – 103:18	103:17 – 103:18

105:25 – 106:11	105:25 – 106:11
110:25 – 111:02	110:25 – 111:02
144:08 – 144:09	144:08 – 144:09
149:04 – 149:06	149:04 – 149:06
150:01 – 150:04	150:01 – 150:04
166:08 – 166:09	166:08 – 166:09
166:22 – 167:08	166:22 – 167:08
182:06 – 182:16	182:06 – 182:16
193:05 – 194:05	193:05 – 194:05
194:21 – 194:24	194:21 – 194:24
208: 19 – 208:20	208: 19 – 208:20
227:17 – 228:08	227:17 – 228:08
235:10 – 235:20	235:10 – 235:20

9. Excerpts from August 7, 2013 Deposition of Bob Giles

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
9:23 – 9:24	94:01 – 94:07
15:19 – 16:04	165:24 – 166:07
16:17 – 17:01	166:14 – 166:16
19:08 – 19:16	167:06 – 167:08
20:07 – 20:15	
20:20 – 20:24	
21:002 – 21:10	
22:01 – 22:12	
25:02 – 25:04	
33:15 – 33:17	
34:01 – 34:04	
38:21 – 39:09	
42:06 – 42:18	
57:02 – 57:07	
76:18 – 77:10	
81:13 – 82:9	
94:01 – 94:07	
117:08 – 117:16	
151:25 – 153:03	
165:24 – 166:07	
166:14 – 166:16	
167:06 – 167:08	

170:01 – 170:04	
170:12 – 170:14	
170:23 – 171:09	
171:19 – 172:08	
173:23 – 174:07	
177:06 – 178:01	
178:03 – 178:03	
178:05 – 179:22	
179:24 – 180:04	
205:10 – 206:07	
249:20 – 250:08	

10. Excerpts from August 7, 2013 Deposition of Jon Hollerman

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
15:15 – 16:04	21:01 – 21:09
16:12 – 17:04	95:05 – 95:15
17:15 – 17:21	99:20 – 99:23
21:01 – 21:09	100:17 – 100:21
82:09 – 82:14	101:20 – 101:24
95:05 – 95:15	104:11 – 104:13
99:20 – 99:23	104:15 – 104:22
100:17 – 100:21	112:22 – 113:05
101:20 – 101:24	115:17 – 115:20
104:11 – 104:13	119:17 – 119:23
104:15 – 104:22	120:11 – 120:16
112:22 – 113:05	162:18 – 162:22
115:17 – 115:20	163:04 – 163:07
119:17 – 119:23	163:16 – 163:19
120:11 – 120:16	175:02 – 175:05
162:18 – 162:22	175:09 – 175:11
163:04 – 163:07	214:12 – 214:14
163:16 – 163:19	240:08 – 241:05
175:02 – 175:05	
175:09 – 175:11	
214:12 – 214:14	
240:08 – 241:05	

11. Excerpts from April 10, 2013 Deposition of David Hull

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
35:21 – 36:3	58:19 – 59:5
41:13 – 41:14	
42:15 – 42:23	
42:25 – 43:17	
51:2 – 51:12	
52:19 – 52:23	
58:19 – 59:5	
59:20 – 59:22	
59:24 – 60:4	
62:13 – 62:19	
72:12 – 73:11	
78:24 – 79:4	
86:5 – 86:12	
86:14 – 86:24	
96:16 – 96:19	
96:21 – 96:25	
97:2 – 97:4	
112:14 – 112:19	
113:16 – 114:3	
114:20 – 115:1	
115:10 – 115:14	
115:21 – 116:8	
133:18 – 134:11	
135:8 – 135:12	
136:12 – 136:14	
157:19 – 158:1	
204:14 – 206:14	

12. Excerpts from March 19, 2013 Deposition of Mark Kearns

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
	31:08 – 31:24

13. Excerpts from June 26, 2013 Deposition of Phillip Kelley

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
44:06 – 44:16	15:19 – 16:02
54:23 – 55:17	17:02 – 17:09
78:09 – 78:11	32:12 – 33:09
78:13 – 79:03	45:16 – 45:25
92:10 – 92:13	55:21 – 55:24
92:15 – 92:20	74:25 – 75:07
97:12 – 97:20	
99:17 – 102:04	

14. Excerpts from May 16, 2013 Deposition of John Lemmon

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
10:24 – 11:16	10:24 – 11:16
12:06 – 12:11	12:06 – 12:11
14:10 – 14:18	14:10 – 14:18
47: 08 – 47:09	47: 08 – 47:09
71:18 – 71:25	71:18 – 71:25
72:10 – 72:18	72:10 – 72:18
76:14 – 76:15	76:14 – 76:15
76:17 – 76:23	76:17 – 76:23
82:20 – 82:21	82:20 – 82:21
92:10 – 92:11	92:10 – 92:11
92:13 – 92:21	92:13 – 92:21
100:19 – 101:02	100:19 – 101:02
101:23 – 102:04	101:23 – 102:04
103:19 – 103:22	103:19 – 103:22
103:25 – 104:07	103:25 – 104:07
105:19 – 106:06	105:19 – 106:06
106:14 – 106:16	106:14 – 106:16
112:05 – 112:15	112:05 – 112:15
116: 04 – 116:05	116: 04 – 116:05
172:11 – 172:14	172:11 – 172:14
175:10 – 175:19	175:10 – 175:19
176:01 – 176:19	176:01 – 176:19
181:12 – 181:18	181:12 – 181:18

15. Excerpts from May 2, 2013 Deposition of Richard Lukaj

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
43:02 – 44:12	24:06 – 24:15
44:14 – 45:08	38:19 – 39:05
180:10 – 181:14	39:14 – 39:20
181:16 – 182:05	58:23 – 59:03
182:18 – 185:04	59:05 – 59:13
185:10 – 187:09	63:16 – 63:22
187:13 – 189:20	68:10 – 68:18
189:22 – 190:07	69:02 – 69:11
190:11 – 191:25	69:22 – 69:24
192:04 – 193:20	70:02 – 70:05
194:06 – 195:11	95:22 – 96:02
196:18 – 197:09	96:10 – 96:13
198:01 – 200:25	104:10 – 104:19
207:12 – 207:18	115:16 – 115:19
207:25 – 208:12	127:03 – 127:23
208:18 – 208:23	138:14 – 139:04
211:18 – 216:06	155:11 – 155:21
216:10 – 217:14	
218:16 – 219:24	
220:02 – 221:03	
221:05 – 221:21	
221:23 – 222:24	
223:01 – 223:06	

16. Excerpts from April 19, 2013 Deposition of Alexander Macheras

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
	8:19 – 9:15

17. Excerpts from March 28, 2013 Deposition of Michael Mackey

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
25:05 – 26:09	260:06 – 260:13
26:11 – 26:16	263:12 – 263:15
27:23 – 29:25	
30:02 – 30:09	
36:13 – 37:23	
43:20 – 44:14	
46:06 – 46:18	
48:23 – 49:13	
57:03 – 57:05	
61:17 – 61:25	
62:19 – 63:11	
63:14 – 64:07	
82:25 – 83:07	
84:09 – 85:01	
120:13 – 120:23	
125:07 – 125:21	
130:19 – 130:23	
154:22 – 155:11	
179:11 – 180:11	
244:14 – 245:20	
260:06 – 260:13	
263:12 – 263:15	

18. Excerpts from February 21, 2013 Deposition of Rodney Marcum

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
9:15 – 9:18	
20:18 – 20:21	
20:23 – 22:04	
23:16 – 23:18	
23:20 – 24:04	
24:06 – 24:18	
28:10 – 28:18	
45:23 – 45:25	
46:08 – 46:24	
47:01 – 47:06	

49:16 – 49:24	
50:10 – 52:11	
53:05 – 53:20	

19. Excerpts from February 21, 2013 Deposition of Vicki Mastalski

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
9:02 – 9:04	52:21 – 52:25
9:17 – 9:19	
12:13 – 12:19	
12:22 – 13:05	
15:24 – 16:04	
19:24 – 20:05	
49:12 – 49:22	
52:21 – 52:25	

20. Excerpts from June 26, 2013 Deposition of Benjamin Moreland

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
16:09 – 16:12	17:08 – 18:04
16:14 – 16:17	18:24 – 19:03
24:21 – 26:18	21:05 – 21:22
27:20 – 29:23	23:03 – 23:11
30:23 – 32:09	30:16 – 30:21
41:23 – 43:15	55:06 – 55:09
48:09 – 48:20	58:25 – 59:03
48:23 – 49:15	74:05 – 74:12
50:01 – 51:04	79:13 – 79:23
52:16 – 53:01	80:05 – 80:10
57:03 – 57:19	88:05 – 88:08
81:12 – 82:22	

21. Excerpts from July 23, 2013 Deposition of Matt Newton

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
23:01 – 23:01	38:16 – 39:03
23:03: – 23:14	75:15 – 76:07
38:16 – 39:03	121:10 – 121:20
75:14 – 76:07	123:02 – 123:06
121:10 – 121:20	135:07 – 135:19
123:02 – 123:06	145:22 – 146:02
135:07 – 135:19	161:19 – 162:04
145:22 – 146:02	168:19 – 169:09
149:09 – 149:24	181:25 – 182:07
150:09 – 151:06	210:07 – 211:15
161:19 – 162:04	215:15 – 215:24
168:19 – 169:09	222:08 – 222:21
181:25 – 182:07	224:14 – 224:22
197:8 – 197:16	225:08 – 225:11
215:15 – 215:24	228:16 – 228:16
215:25 – 216: 17	245:24 – 246:07
217:07 – 217:17	255:18 – 256:14
222:08 – 222:21	
224:14 – 224:22	
225:08 – 225:11	
228:16 – 228:16	
229:11 – 229:24	
235:14 – 238:03	
242:25 – 243:25	
245:24 – 246:07	
255:09 – 255:11	
255:18 – 256:14	
259:06 – 260:11	
265:09 – 265:13	
293:11 – 294:02	

22. Excerpts from April 16, 2013 Deposition of Christina Pushic

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
42:5 – 42:23	45:21 – 46:01
44:01 – 44:11	46:17 – 46:24

45:21 – 46:01	
46:17 – 46:24	
77:21 – 78:11	

23. Excerpts from February 21, 2013 Deposition of Terry Robinson

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
8:24 – 9:09	57:10 – 57:18
18:01 – 19:19	
19:21 – 20:02	
20:04 – 20:04	
20:13 – 20:22	
24:04 – 24:08	
31:24 – 32:05	
32:09 – 32:14	
36:10 – 36:23	
39:18 – 40:04	
40:11 – 40:23	
41:13 – 40:18	
42:16 – 42:23	
43:06 – 43:14	
65:02 – 66:09	
70:25 – 71:07	
71:15 – 71:18	
72:08 – 72:18	

24. Excerpts from April 18, 2013 Deposition of Daniel Rosen

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
5:9 – 5:14	
13:9 – 13:16	
113:4 – 113:11	
114:20 – 115:7	
116:23 – 117:3	
121:9 – 121:15	

25. Excerpts from July 31, 2013 Deposition of Jonathan Rotolo

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
35:6 – 36:16 40:18 – 41:16 81:4 – 81:7 89:25 – 90:5 90:10 – 90:23 90:25 – 91:2	

26. Excerpts from June 18, 2013 Deposition of Windle Skipper

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
13:19 – 14:01 14:13 – 14:21 15:02 – 16:12 20:16 – 21:10 33:12 – 34:01	8:02 – 8:08 22:20 – 23:11 27:06 – 27:10 45:09 – 45:13 45:15 – 45:21

27. Excerpts from August 20, 2013 Deposition of Jeffrey A. Stoops

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
9:08 – 10:10 49:01 – 50:05 60:07 – 60:25 83:22 – 84:03 85:10 – 86:21 87:16 – 87:24 114:22 – 114:25 118:09 – 118:22 118:24 – 119:17 132:23 – 132:25 133:02 – 133:03 133:05 – 133:17 137:25 – 142:14 142:25 – 147:06 147:11 – 147:14	25:18 – 26:02 31:12 – 31:16 31:18 – 31:18 39:11 – 39:13 76:09 – 76:13 97:24 – 98:05 110:12 – 110:13 110:15 – 110:15 122:17 – 122:19 129:24 – 130:03

147:17 – 148:20	
149:22 – 150:01	
150:10 – 150:14	
151:03 – 152:06	
152:12 – 152:19	
157:23 – 159:17	
160:01 – 161:08	

28. Excerpts from April 17, 2013 Deposition of Jerry Vogl

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
91:13 – 91:21	91:13 – 91:21
91:25 – 92:04	91:25 – 92:04
92: 09 – 92:22	92: 09 – 92:22
101:19 – 103:01	101:19 – 103:01
168:03 – 168:10	168:03 – 168:10
194:20 – 194 25	194:20 – 194 25
198:16 – 199:05	198:16 – 199:05
200:11 – 201:10	200:11 – 201:10
201:21 – 202:04	201:21 – 202:04
203:18 – 203:25	203:18 – 203:25
204:01 – 204:11	204:01 – 204:11
205:07 – 206:5	205:07 – 206:5
228:07 – 228:11	228:07 – 228:11
228:14 – 228:18	228:14 – 228:18
231: 20 – 231:25	231: 20 – 231:25
232:01 – 232:07	232:01 – 232:07
233:25 – 234:10	233:25 – 234:10
235:06 – 235:09	235:06 – 235:09
235: 14 – 235:19	235: 14 – 235:19
236:10 – 236: 21	236:10 – 236: 21
237:20 – 238:01	237:20 – 238:01
238:09 – 239:09	238:09 – 239:09
242:11 – 243:06	242:11 – 243:06
291:04 – 291:07	291:04 – 291:07
295:24 – 296:15	295:24 – 296:15

29. Excerpts from April 2, 2013 Deposition of Edward Wallander

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
21:17 – 22:05	53:21 – 54:13
27:17 – 28:08	68:18 – 68:20
38:01 – 40:17	68:23 – 69:07
52:11 – 53:03	74:23 – 74:25
53:21 – 54:13	82:20 – 82:21
68:18 – 68:20	82:25 – 83:10
68:23 – 69:07	178:23 – 179:2
74:23 – 74:25	191:11 – 191:12
82:20 – 82:21	
82:24 – 83:10	
83:11 – 84:02	
100:13 – 101:4	
141:10 – 143:24	
159:7 – 159:24	
162:8 – 162:18	
178:23 – 179:02	
191:11 – 191:12	
197:23 – 198:03	
259:16 – 260:05	

30. Excerpts from April 18, 2013 Deposition of George Zaharis

COUNTER-DESIGNATIONS	OPTIONAL COMPLETENESS
14:25 – 16:06	38:01 – 38:04
21:06 – 21:15	46:14 – 46:19
22:12 – 22:17	48:15 – 49:02
24:19 – 25:08	94:18 – 94:23
32:11 – 32:24	101:03 – 1010:06
38:01 – 38:04	116:13 – 116:17
38:05 – 38:12	126:09 – 126:15
46:14 – 46:19	128:18 – 128:25
48:15 – 49:02	138:17 – 139:02
68:20 – 68:25	139:04 – 139:06
69:02 – 69:06	140:22 – 141:03
69:08 – 69:12	141:05 – 141:16
69:24 – 70:05	161:07 – 161:08

70:07 – 70:10	196:20 – 192:25
94:18 – 94:23	
101:03 – 101:06	
107:05 – 107:11	
107:14 – 107:22	
113:16 – 113:20	
113:22 – 114:01	
114:03 – 114:12	
116:13 – 116:17	
118:05 – 118:18	
120:24 – 121:18	
126:09 – 126:15	
128:18 – 128:25	
129:06 – 129:15	
129:17 – 129:19	
131:15 – 131:21	
138:17 – 139:02	
139:04 – 139:06	
140:22 – 141:03	
141:05 – 141:16	
161:07 – 161:08	
196:20 – 192:25	

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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2013, I served a true and accurate copy of the foregoing document on counsel for Defendants by email.

/s/ Kyle D. Young